

If an executor fails to pay a legacy after the lapse of thirteen months his bond is liable to suit without an order of court. Unnecessary allegations. *State v. Wilson*, 38 Md. 342.

A substantial following of this section in the bond is all that is required. *Waters v. Riley*, 2 H. & C. 312 (dissenting opinion); *cf. Howard County v. Hill*, 88 Md. 121.

Although a bond is not in the words prescribed by this section, if a part of the condition of the bond is that the administrator shall faithfully pay all just claims, a demurrer to a suit on the bond for the non-payment of a claim, will be overruled. *Hamilton v. State*, 3 H. & J. 503; *cf. Howard County v. Hill*, 88 Md. 121.

All bonds given by an executor or administrator to secure the payment of debts and legacies and the administration of assets, are testamentary or administration bonds within the meaning of article 57, section 3. *State v. Boyd*, 2 G. & J. 373; *cf. State v. Snowden*, 7 G. & J. 433.

The action of detinue held not to come within the condition of an administration bond. *Hecking v. Howard*, 3 H. & McH. 203.

For a bond stated to be in conformity with this section, see *Alexander v. Fidelity and Deposit Co.*, 108 Md. 543.

See notes to sec. 38; see also, sec. 105.

The bond of an executor is liable for the collateral inheritance tax—art. 81, sec. 136, *et seq.*

As to counter and new security, see art. 90, sections 1 and 2.

As to the allowance of the cost of corporate surety bonds out of the estate, see art. 24, sec. 10. Trust companies are not required to give bond as executor, administrator, etc.—art. 11, sec. 48.

1904, art. 93, sec. 49. 1888, art. 93, sec. 50. 1860, art. 93, sec. 50. 1798, ch. 101, sub-ch. 3, sec. 12. 1844, ch. 184, sec. 6. 1844, ch. 237, sec. 6. 1847, ch. 230.

50. Every executor or administrator, after filing his bond, and before letters shall be committed to him, shall be required to take the following oath, to be administered by the register of wills or orphans' court: "I, ———, do swear that I will well and truly administer the goods, chattels, personal estate and credits of ———, late of ———, deceased, to the best of my knowledge, according to law; and will give a just account of my administration when thereto I shall be lawfully called; and that I will diligently and faithfully regard, and well and truly comply with the law imposing a tax on the commissions allowed to executors and administrators, and a tax on collateral inheritances, distributive shares and legacies, so help me God." Which said oath shall be recorded by the register of wills.

Ibid. sec. 50. 1888, art. 93, sec. 51. 1860, art. 93, sec. 51. 1798, ch. 101, sub-ch. 3, sec. 13.

51. The following shall be the form of letters testamentary: Maryland, ss: The State of Maryland to all persons to whom these presents shall come, greeting:

Know ye, that the last will and testament of ———, of ———, deceased, hath been in due form of law exhibited, proved and recorded in the office of the register of wills for ——— county, a copy of which is to these presents annexed, and administration of all the goods, chattels and credits of the said deceased is hereby granted and committed unto ———, the executor by the said will appointed. Witness, A. B.,